

### **Councilors-at-Large**

Mark A. Oram  
Michael H. Ossing  
Samantha Perlman  
Kathleen D. Robey



### **Ward Councilors**

Ward 1 – Laura J. Wagner  
Ward 2 – David Doucette  
Ward 3 – J. Christian Dumais  
Ward 4 – Teona C. Brown  
Ward 5 – John J. Irish  
Ward 6 – Sean A. Navin  
Ward 7 – Donald R. Landers, Sr.

### **Council President**

Michael H. Ossing

### **Council Vice-President**

Kathleen D. Robey

## **CITY OF MARLBOROUGH CITY COUNCIL MEETING MINUTES MONDAY, MAY 9, 2022**

The regular meeting of the City Council was held on Monday, May 9, 2022, at 8:00 PM in City Council Chambers, City Hall. City Councilors Present: Ossing, Wagner, Doucette, Brown, Irish, Navin, Oram, Perlman & Robey. Councilors Absent: Dumais & Landers. Meeting adjourned at 10:30 PM.

Motion by Councilor Navin, seconded by the Chair to adopt the following:

**ORDERED:** That the Minutes of the City Council meeting, April 25, 2022, **FILE**; adopted.

That the PUBLIC HEARING on the Petition from Massachusetts Electric and Verizon New England, to install a new pole and remove the old pole and install underground cable for city work around the pump station on Cullinane Drive, Order No. 22-1008586, is **CONTINUED UNTIL MAY 23, 2022, AT 8:00 PM**, adopted.

**Councilors Present: Wagner, Doucette, Brown, Irish, Navin, Oram, Ossing, Perlman & Robey.**

**Councilors Absent: Dumais & Landers.**

That the PUBLIC HEARING on the Proposed Fiscal Year 2023 Budget as submitted by Mayor Vigeant in the amount of \$181,260,899.00 which represents a 4.18% increase over the Fiscal Year 2022 appropriation, Order No. 22-1008584, all were heard who wish to be heard, hearing closed at 8:03 PM, adopted.

**Councilors Present: Wagner, Doucette, Brown, Irish, Navin, Oram, Ossing, Perlman & Robey.**

**Councilors Absent: Dumais & Landers.**

That the PUBLIC HEARING on the Application for a Special Permit and Site Plan Approval from Cellco Partnership d/b/a Verizon Wireless to install a new stealth Wireless Communication Facility, including an 80-foot stealth pole with accessory ground equipment at 739-769 Donald J. Lynch Boulevard, Order No. 22-1008570, all were heard who wish to be heard, hearing closed at 8:20 PM, adopted.

**Councilors Present: Wagner, Doucette, Brown, Irish, Navin, Oram, Ossing, Perlman & Robey.**

**Councilors Absent: Dumais & Landers.**

That the PUBLIC HEARING on the Application for Special Permit from Attorney Brian Falk, on behalf of Alta Marlborough, LLC (Wood Partners), to build a mixed-use project in the Neighborhood Business District consisting of 10,074 square feet of ground floor retail and commercial space, 276 dwelling units in addition to an on-site parking garage with 448 spaces to be located at the corner of Lincoln and Mechanic Streets, Order No. 22-1008572, all were heard who wish to be heard, hearing closed at 9:42 PM, adopted.

**Councilors Present: Wagner, Doucette, Brown, Irish, Navin, Oram, Ossing, Perlman & Robey.**

**Councilors Absent: Dumais & Landers.**

That the PUBLIC HEARING on the Proposed Zoning Amendment from Attorney Brian Falk on behalf of Alta Marlborough, LLC (Wood Partners), to Chapter 650 §39 “Neighborhood Business District”, Order No. 22-1008571, all were heard who wish to be heard, hearing closed at 9:47 PM, adopted.

**Councilors Present: Wagner, Doucette, Brown, Irish, Navin, Oram, Ossing, Perlman & Robey.**

**Councilors Absent: Dumais & Landers.**

President Ossing called a recess at 9:47 PM and returned to open meeting at 9:51 PM.

President Ossing asked Vice-President Robey to take the podium.

Motion by Councilor Ossing, seconded by the Chair to adopt the following:

**ORDERED:** That the Communication from Solicitor Jason Grossfield, re: City Council Orders 21/22-1008402A-3 and 21/22-1008402B-4 regarding opinion on ambiguity associated with the two (2) Orders and any suggested wording to resolve same, **FILE**; adopted.

Motion by Councilor Ossing, seconded by the Chair to adopt the following:

**ORDERED:** That the Mayor submit a corrected copy of the Order to:

- Authorize the City to acquire the property at 100 Locke Drive.
- The appropriation from the Undesignated Fund in the amount of \$5,092,666.66 for said acquisition.
- Authorize the Mayor to accept the deed for 100 Locke Drive.
- The Mayor submit a transfer sheet for \$5,092,666.66 from the Undesignated Fund to the Land acquisition account.
- The Mayor submit a transfer of \$1,422,500.00 from Undesignated Fund to the now approved West Side Fire Station Stabilization account.
- The revised Order and two transfers to appear on the May 23, 2022, City Council agenda.
- The City Council will postpone the votes on the Mayor vetoes of Orders 21/22-1008402A & B to May 23, 2022.

This motion accomplishes the following:

- Addresses the Mayor's concern regarding ambiguity in the order by submitting a revised order addressing the ambiguities and the source of the transfer
- Corrects the transfer sheet for the land acquisition to align with the revised order
- Submits a transfer from Undesignated Funds in the amount of \$1,422,500 into the now approved West Side Fire Station Stabilization account
- City Council will uphold the Mayor's vetoes of Orders 21/22-1008402A & B
- Aligns the Mayor and the City Council on the goal of moving forward on the West Side Fire Station in a collaborative manner

**APPROVED;** adopted.

President Ossing returned to the podium.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That Communication from the Planning Board, re: Favorable Recommendation on the Proposed Zoning Map Amendment for parcels of land located on Jefferson and a small portion of Lincoln Streets, identified as Map 56, Parcels 147, 148, 150, 151, 152, & 153 in addition to Map 56, Parcels 154, 155, 156, 157 & 158, Order No. 21/22-1008475C, **FILE;** adopted.

Motion by Councilor Brown, seconded by the Chair to adopt the following:

ORDERED: That there being no objection thereto set **MONDAY MAY 23, 2022**, as the **DATE FOR PUBLIC HEARING**, on the Petition from Massachusetts Electric, to replace three (3) sections of direct buried cable and replace with new primary cable in conduit on Stone Hill Road, referred to the **PUBLIC SERVICES COMMITTEE;** adopted.

Motion by Councilor Brown, seconded by the Chair to adopt the following:

ORDERED: That the Application for Renewal of Junk Dealer/Secondhand Dealer License, Jean Rabelo, d/b/a Post Road Used Auto Parts of Marlboro, Inc., 785 Boston Post Road East, referred to the **PUBLIC SERVICES COMMITTEE;** adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That the Notice from Attorney Brian Falk on behalf of Alta Marlborough, LLC (Wood Partners), re: Notice of a Balloon Test relative to the proposed project at Lincoln and Mechanic Streets to occur on Wednesday, May 18, 2022, at 5:00 PM, **FILE;** adopted.

Motion by Councilor Navin, seconded by the Chair to adopt the following:

ORDERED: That Communication from National Grid, re: Notice of potential work relative to their current Vegetation Management Plan, **FILE;** adopted.

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the Minutes of following Boards, Commissions and Committees, **FILE;** adopted.

- a) Commission on Disabilities, August 3, 2021 & March 8, 2022.
- b) Library Trustees, April 5, 2022.
- c) Traffic Commission, March 2, 2022.
- d) Zoning Board of Appeals, April 5, 2022.

Motion by Councilor Doucette, seconded by the Chair to adopt the following:

ORDERED: That the following CLAIMS, referred to the **LEGAL DEPARTMENT**; adopted.

- a) Richard Aldrich, 117 Bolton Street, other property damage and/or personal injury.
- b) Karolyn Gowaski, 126 Langelier Lane, residential mailbox claim (2a).
- c) Thomas Tucker, 11 Hawkins Lane, residential mailbox claim (2b).

Reports of Committees:

Councilor Irish reported the following out of the Finance Committee:

**City Council Finance Committee**  
**May 2, 2022**  
**May 4, 2022**  
**Municipal FY2023 Budget Hearings**  
**Minutes and Report**

These meetings convened at 6:00 PM and were held in the City Council Chamber and open to the public. The meetings were televised on WMCT-TV (Comcast Channel 8 or Verizon/Fios Channel 34) and available for viewing using the link under the Meeting Videos tab on the city's website, home page ([www.marlborough-ma.gov](http://www.marlborough-ma.gov)). The May 2<sup>nd</sup> meeting adjourned at 10:17 PM. The May 4<sup>th</sup> meeting adjourned at 7:49 PM.

May 2, 2022:

Voting and non-voting members present: Voting: Chair Irish, Councilors Dumais, Perlman, Oram and Brown.

Non-Voting: Councilors Ossing, Wagner, Doucette, Robey, Landers and Navin.

May 4, 2022:

Voting members: Chair Irish, Councilors Perlman and Brown; Councilor Oram left at 6:55 PM; Councilor Dumais was absent.

Non-Voting: Councilors Ossing, Landers, Robey, Doucette and Wagner; Councilor Navin was absent.

**04-25-22 – Order No. 22-1008584: Mayor Vigeant's Proposed FY2023 Operating Budget in the amount of \$181,260,899.00.**

Chair Irish read the Mayor's April 21, 2022, letter submitting the budget for review and approval in the amount of \$181,260,899.00 representing a 4.18% increase over this year due primarily to increased staffing needs and fuel and utility costs.

The Finance Committee reviewed each of the items listed in the Budget Summary over the course of the two meetings together with the Mayor and municipal department heads and assistant department heads and proposed the following adjustments to the Mayor's budget:

**FINCOM FY23 Budget Adjustments**

Department	Account # Description	Reduction	FINCOM Vote	Comments
1410 Assessor	53180 Prof & Tech Services	-\$50,000	Approved 3 – 0 (JI/SP/TB)	Reduction due to hiring a Senior Assessor

## Reports of Committee Continued:

<b>1410 Assessor</b>	<b>50520 Principal Clerk</b>	<b>-\$51,300</b>	<b>Approved 3 – 0 (JI/SP/TB)</b>	<b>Insufficient information to justify position.</b>
<b>1410 Assessor</b>	<b>50770 Senior Clerk</b>	<b>+\$49,000</b>	<b>Approved 3 – 0 (JI/SP/TB)</b>	<b>Request Mayor amend budget to fund current position. Actual salary TBD</b>
<b>1520 Human Resources</b>	<b>50775 Admin Assistant</b>	<b>-\$5,500</b>	<b>Approved 3 – 0 (JI/SP/TB)</b>	<b>Start position at Step 1 or 2</b>
<b>1920 Property &amp; Building Maintenance</b>	<b>52120 Electricity</b>	<b>-\$100,000</b>	<b>Approved 3 – 0 (JI/SP/TB)</b>	<b>Implement Energy Conservation measures</b>
<b>1990 Other Government</b>	<b>57820 Reserve for Salaries</b>	<b>-\$200,000</b>	<b>Approved 3 – 0 (JI/SP/TB)</b>	<b>Underruns in salary items due to vacant and retiring positions</b>
<b>2100 Police Department</b>	<b>51320 Court OT</b>	<b>-\$50,000</b>	<b>Denied 2 (JI/TB) – 1 (SP)</b>	<b>Funds not used historically. Courts unlikely to ramp up to challenge funding. Underruns in salary items and retirements.</b>
<b>2200 Fire Department</b>	<b>51300 Gross OT</b>	<b>-\$50,000</b>	<b>Denied 2 (JI/TB) – 1 (SP)</b>	<b>Underruns in salary line items and retirements</b>
<b>3032 Maintenance Schools</b>	<b>52120 Electricity</b>	<b>-\$100,000</b>	<b>Approved 3 – 0 (JI/SP/TB)</b>	<b>Implement Energy Conservation measures</b>
<b>9300 Capital Projects</b>	<b>58595 City Hall Equipment</b>	<b>-\$300,000</b>	<b>Approved 3 – 0 (JI/SP/TB)</b>	<b>Use ARPA funds and reduce burden on taxpayers</b>
<b>TOTAL</b>		<b>-\$806,800</b>		

On a motion by Councilor Perlman, seconded by Chair Irish, the Finance Committee voted 3-0 to refer to the City Council Mayor Vigeant's FY2023 Operating Budget with proposed reductions in the amount of \$806,800.00 as listed in the above table and resulting in an amended **FY2023 Municipal Operating Budget in the amount of \$180,454,099**; and, further to recommend that the Mayor be requested to submit a budget amendment to fund the current position in the Assessor's Office 1410, 50770 Senior Clerk.

Impact of the Finance Committee's FY2023 Budget Adjustments

Reports of Committee Continued:

The Mayor's proposed FY2023 budget of \$181,260,899.00 less the recommended adjustments of \$806,800 equals a new FY2023 budget of \$180,454,099.00. This represents an increase of \$6,470,735.00 from FY2022 or an increase of 3.72% and reduces the tax rate for the average house from \$262.00 to approximately \$234.00.

Councilor Robey reported the following out of the Urban Affairs Committee:

**City Council Urban Affairs Committee  
Thursday, May 5, 2022 – 7:00 PM  
In Council Chambers  
Minutes and Report**

Urban Affairs & Housing Committee voting members present were Chairman Katie Robey, Councilor Doucette, Councilor Landers, Councilor Navin. and Councilor Wagner.

Other Councilors present were Brown, Irish, Perlman and Ossing.

**Order No. 21-1008475 Communication from Mayor Vigeant requesting the City Council consider a Proposed Zoning change regarding a portion of Jefferson Street.**

The chair went through the timeline stating this had been referred to Urban Affairs but not advertised and was held over to 2022 at which time a request was made from developer on Lincoln St. to act on this. The council held its public hearing on April 11 and the Planning Board held its on April 25. The chair read the letter from Planning Board with their favorable recommendation to rezone as suggested by the mayor's order.

The chair had offered some amendments to the mayor's order and discussion was held by those present.

**Councilor Wagner moved to approve the zoning amendments as submitted by the mayor; motion was seconded, and chair asked for discussion. Councilor Doucette moved to amend the original recommendation for Parcel 56-153 (changing from CA to NB) to be CA to RB; the motion was seconded and carried 5-0.** (This property is a single-family home that is currently pre-existing non-conforming in CA and would remain non-conforming if changed to NB but would be conforming in RB.)

**Discussion continued on the original motion as amended. Councilor Doucette moved to amend to have Parcels 56-147, 56-148 and 56-150 remain as CA; the motion was seconded, and the vote was 3-2 (motion did not carry).**

**With no further discussion, the chair called for a vote on the original motion to approve the mayor's order with the amendment for Parcel 56-153. The motion carried 5-0.**

**Councilor Doucette moved to adjourn; it was seconded and carried 5-0. The meeting was adjourned at 7:48 pm.**

Motion by Councilor Irish, seconded by the Chair to adopt the following:

**ORDERED:** That the Transfer Request in the amount of \$589,691.00 which moves funds from Economic Development to MEDC to fund the FY23 operations of the Marlborough Economic Development Corporation (MEDC), **APPROVED**; adopted.

CITY OF MARLBOROUGH										
BUDGET TRANSFERS --										
	DEPT:	Mayor					FISCAL YEAR:	2022		
		FROM ACCOUNT:					TO ACCOUNT:			
Available										Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:		Balance
\$984,934.02	\$589,691.00	27000099	42440	Economic Development	\$589,691.00	11740006	53950	MEDC Funding		\$0.00
	Reason:	To allow the MEDC to continue it's work in promoting the economic development of the City for FY23								
	\$589,691.00	Total			\$589,691.00	Total				

Motion by Councilor Irish, seconded by the Chair to adopt the following:

**ORDERED:** That the City of Marlborough, Massachusetts (“the City”) appropriate the amount of \$500,000 (five hundred thousand dollars) for the purpose of paying the cost of reconstruction or making extraordinary repairs to the Sligo Hill Water Tank.

That to meet this appropriation, the Comptroller/Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to M.G.L. Chapter 44, Section 8 (4), as amended and supplemented, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; and that the Mayor is authorized to contract for and expend any grants, aid, or gifts available for this project; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project.

Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**DENIED**; adopted.

**Yea: 1 – Nay: 8 – Absent: 2**

**Yea: Irish.**

**Nay: Wagner, Doucette, Brown, Navin, Oram, Perlman, Ossing & Robey.**

**Absent: Dumais, Landers.**

Motion by Councilor Irish, seconded by the Chair to adopt the following:

**ORDERED** That the City of Marlborough, Massachusetts (“the City”) appropriate the amount of \$5,175,000.00 (five million one hundred seventy-five thousand dollars) for the purpose of paying the cost of street construction.

That to meet this appropriation, the Comptroller/Treasurer, with the approval of the Mayor, is authorized to borrow said amount under and pursuant to MGL Chapter 44, Section 7 (1), as amended and supplemented, or pursuant to any other enabling authority, and to issue bonds or notes of the City therefor; and that the Mayor is authorized to contract for and expend any grants, aid, or gifts available for this project; and that the Mayor is authorized to take any other action necessary or convenient to carry out this project.

Any premium received by the City upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with MGL Chapter 44, Section 20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

**APPROVED**; adopted.

**Yea: 9 – Nay: 0 – Absent: 2**

**Yea: Wagner, Doucette, Brown, Irish, Navin, Oram, Perlman, Ossing & Robey.**

**Absent: Dumais, Landers.**

Motion by Councilor Irish, seconded by the Chair to adopt the following:

Motion by Councilor Ossing, seconded by the Chair to amend the Order by adding language relative to the transfer of funds to the West Side Fire Stabilization Account.

**ORDERED** That the Transfer Request in the amount of \$1,448,100.00 which moves funds from Undesignated Fund (Free Cash) to various departments for their Capital Requests as outlined in the transfer sheet, **APPROVED, contingent upon the Mayor’s approval of the transfer of the Phase 1 Green District mitigations funds in the amount of \$1,422,500.00 from Undesignated Fund into the West Side Fire Stabilization Account;** adopted.

CITY OF MARLBOROUGH									
BUDGET TRANSFERS --									
	DEPT:	Various					FISCAL YEAR:	2022	
		FROM ACCOUNT:					TO ACCOUNT:		
Available									Available
Balance	Amount	Org Code	Object	Account Description:	Amount	Org Code	Object	Account Description:	Balance
\$11,233,713.00	\$1,448,100.00	10000	35900	Undesignated Fund	\$243,100.00	19300006	58512	Capital Outlay-Fire	\$0.00
	Reason:	To fund various capital requests				Fire Squad Truck			
					\$455,000.00	19300006	58467	Capital Outlay-Public Facilities	\$0.00
						Pools, Cemetery, Schools and Reservoir			
					\$750,000.00	19300006	58731	Capital Outlay-DPW Equipment	\$0.00
	Reason:					DPW Equipment			
	\$1,448,100.00	Total			\$1,448,100.00	Total			



Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That action on the Mayoral Veto of Council Order 21/22-1008402A-2 relative to Proposed Order to authorize the purchase of 100 Locke Drive for the purpose of building a new Fire Station, **POSTPONED UNTIL MAY 23, 2022, CITY COUNCIL MEETING**; adopted.

Motion by Councilor Robey, seconded by the Chair to adopt the following:

ORDERED: That action on the Mayoral Veto of Council Order 21/22-1008402B-3 relative to Proposed amended Transfer request in the amount of \$5,092,666.66 for the acquisition of 100 Locke Drive for a new Fire Station clarifying the funding sources, **POSTPONED UNTIL MAY 23, 2022, CITY COUNCIL MEETING**; adopted.

Motion by Councilor Navin, seconded by the Chair to adopt the following:

ORDERED There being no further business, the regular meeting of the City Council is herewith adjourned at 10:30 PM; adopted.